Fourth Review Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

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GROUP OF NON-ALIGNED STATES

Draft Resolution on the Peaceful Uses of Nuclear Energy in Relation with Preambular Paragraphs 6 and 7 and Article IV of the NPT

The Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Reiterating that, in accordance with paragraph 1 of Article IV of the Treaty, all States Party to the Treaty have the inalienable right to apply and develop their programmes for the peaceful uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs,

Convinced that the significance of the peaceful uses of nuclear energy for economic development and its important role in accelerating the growth of developing countries can greatly contribute to progress in general, and to the elimination of technological and economic gaps between the developed and developing countries,

Stressing that, in the framework of Article IV.2 of the Treaty, all Parties to the Treaty have the right to participate in the fullest possible exchange of equipment, materials, services and scientific and technological information and to contribute, alone or in co-operation with other States, to the further development of the application of nuclear energy for peaceful purposes. Furthermore, it is indispensable to ensure a free transfer of nuclear technology, including its latest achievements and its use in the interest of the accelerated development of States Party to the Treaty and, particularly, of the developing ones,

Confirming that each country's choice and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international co-operation agreements and contracts for peaceful uses of nuclear energy,

Expressing dissatisfaction with the implementation of preambular paragraphs 6 and 7 and of Article IV, as well as with the related obligation deriving from the "Final Document of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons of May 1975",

Noting with deep concern that instead of facilitating the fullest exchange of equipment, materials and scientific and technological information for peaceful purposes to non-nuclear-weapon States Party to the Treaty, and particularly developing countries as called for by the Treaty, some States Party to the Treaty continue to co-operate and give assistance in the nuclear field to States not Party to the Treaty and which are known to have acquired the capability to manufacture nuclear weapons, while at the same time apply discriminatory policies against the non-nuclear-weapon developing States Party to the Treaty,

Noting with regret that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy, orginally planned for 1983 and held from 23 March to 10 April 1987 at Geneva - while recognizing that nuclear energy could contribute to economic and social development., and to the well-being of many countries, and urging that international peaceful nuclear co-operation be enhanced and broadened - was unable to reach agreement on "principles universally acceptable for international co-operation in the peaceful uses of nuclear energy and on appropriate ways and means for the promotion of such co-operation, as envisaged in the United Nations General Assembly resolution 32/50, and in accordance with mutually acceptable considerations of non-proliferation",

Noting also with regret that the IAEA's Committee on Assurances of Supply (CAS) to consider, first, ways and means in which supplies of nuclear materials, equipment and technology and fuel cycle services can be assured on a more predictable and longer-term basis in accordance with mutually acceptable considerations of non-proliferation: and second, the Agency's role to reach agreement on a set of principles for international co-operation and that in 1987 it suspended its formal discussions,

Considering that the unilaterally enforced restrictive measures beyond safeguards required under the Treaty are in contradiction with the spirit of the Treaty, since they seriously limit the right of the non-nuclear-weapon States Party to the Treaty to develop research, produce and use nuclear energy for peaceful purposes and that some of them indirectly affect the sovereign rights of the Party to the Treaty; that such measures have contributed to a slow-down in the use of nuclear energy for peaceful purposes and have caused serious complications in relations between the Parties and have eroded confidence. Furthermore, establishment of multilateral agreements such as the London Suppliers Club and also the enactment of unilateral and retroactive laws in certain supplier countries have further eroded the right of access by the developing countries Party to the Treaty in gaining access to the peaeful applications of nuclear energy and nuclear power in particular,

Further considering that unilateral measures invoked for the abrogation of a number of formalized and valid contracts have provoked serious problems in relations among the Party concerned,

Reaffirming the responsibility of nuclear supplier States Party to the Treaty to promote the legitimate nuclear energy needs of the States Party to the Treaty, especially developing ones, by allowing the latter to participate in the fullest possible transfer of nuclear equipment, materials, scientific and technological information,

Recognizing the special needs of the developing countries for technical assistance by the IAEA in order to benefit effectively from the application of nuclear technology for peaceful purposes, as well as from the contribution of nuclear energy to their economic development,

Commending the role and activities of [the importance of the work of] the IAEA in the field of technical assistance and co-operation for the peaceful uses of nuclear energy, for the benefit of developing countries in particular, but noting with regret that the technical assistance budget of the IAEA currently is in no way condusive to the goals of the Agency in this respect, considering especially its unassured voluntary nature,

Conscious of the importance of the work of the IAEA in the implementation of safeguard provisions of the Treaty and other international treaties, coventions and agreements,

Further recognizing the importance of the work of the IAEA on nuclear power, nuclear safety, radiological protection and radioactive waste management including its work directed towards assisting developing countries in planning for the introduction of nuclear power in accordance with their needs,

Recognizing also the benefits from the IAEA-sponsored Technical Assistance and Co-operation Fund for the developing countries Party to the Treaty in the development of their nuclear energy programme for peaceful purposes.

1. Calls on all nuclear supplier States Party to the Treaty to respect the inalienable right of the developing States Party to the Treaty to apply and develop their programmes for the peaceful uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs;

2. Calls on all States Party to the Treaty, especially nuclear supplier states, to significantly increase their technical assistance, bilaterally and through international bodies such as IAEA and UNDP, in order to meet the growing needs of the developing countries Party to the Treaty in the field of peaceful uses of nuclear energy;

3. Requests that the World Bank, UNDP, IAEA and other relevant international organizations accord priority and provide increased funding to projects in developing countries Party to the Treaty in the field of non-energy applications of nuclear technology and in this context, special attention be accorded to least developed countries;

4. Calls upon the States Party belonging to the donor community which are in a position to do so, to provide resources to a Trust Fund to be managed by the IAEA in order to fund "technically sound" project requests for assistance submitted by developing countries Party to the Treaty, without prejudice to existing arrangements for the financing of technical co-operation projects;

5. Requests the IAEA to take the necessary steps to further increase technical assistance by allocating more funds for this purpose to the

developing countries for the application of nuclear technology for peaceful purposes, as well as for the contribution of nuclear energy to their economic development;

6. Requests all States Party to the Treaty to set up a consultative mechanism among them in order to examine the problem of supplies of nuclear materials, technology and services;

7. Reiterates that:

   a. concern for non-proliferation should not be used as a pretext to prevent States Party to the Treaty from acquiring and developing nuclear technology for peaceful uses and to impose conditions which are incompatible with the sovereign rights and independence of countries;

   b. all contracts in force in the nuclear field for peaceful uses should be honoured by the nuclear supplier States Party to the Treaty;

   c. threats of cut-off of supplies covered by contracts or agreements in force must not be used as an instrument of negotiation;

8. Emphazises that:

   a. no single State or group of States shall impose unilaterally or collectively any precondition of access to or transfer of equipment, materials, services and scientific and technical information, nor impose any non-proliferation conditions which go beyond the safeguards required under the Treaty;

   b. non-proliferation requirements in future transactions should be limited to conditions and criteria agreed to by the Board of Governors of the IAEA;

   c. non-nuclear weapon States Party to the Treaty and States that have safeguards equal to those required under Article III.1 of the Treaty should be provided preferential treatment in access to or transfer of equipment, materials, services, and scientific and technological information for the peaceful uses of nuclear energy, taking particularly into account the special needs of developing countries. In doing so, special attention shall also be given to the needs of the least developed countries;

   d. States Party to the Treaty should set up conditions for long term assurances of supply;

   e. more developing countries Party to the NPT should enjoy and benefit from the Technical Assistance and Co-operation Fund for the development of their nuclear energy programme for peaceful purposes;

9. Urges that States Party to the Treaty which are in a position to do so, assure the further expansion of the activities of the IAEA for the promotion of international co-operation in the field of the peaceful uses of nuclear energy and for the further development of these uses;

10. Requests further the IAEA to fully implement its General Conference resolutions which request the Director General, inter alia, to provide, upon request, assistance in securing finance from outside sources for nuclear power projects in developing countries;

11. Calls on the IAEA to further expand its activities for the promotion of international co-operation in the field of the peaceful uses of nuclear energy and non-energy applications for their further development and urges all States Party to the Treaty to substantially increase in real terms, their support required for these objectives;

12. Calls further on the IAEA to render greater support for regional co-operative agreements promoting regional projects based on regionally-agreed priorities and using inputs from intra as well as extra-regional countries;

13. Stresses the importance of the work of the Committee on Assurances of Supply in establishing principles for international co-operation in the peaceful use of nuclear energy and the adoption of measures to assure the long-term supply of nuclear material, equipment and technology in a predictable manner, with appropriate assurances against the proliferation of nuclear weapons, and urges the prompt renewal of its formal discussions. In this respect the full co-operation of the nuclear supplier States Party to the Treaty;

14. Reaffirms the inviolability of peaceful nuclear facilities emanating from the international norms prohibiting the use of force in international relations, and in particular Article 2(4) of the United Nations Charter;

15. Reaffirms also that any attack or threat of attack against peaceful nuclear facilities would entail highly dangerous political, economic and environmental implications, particularly for civilian inhabitants;

16. Believes that the States Party to the Treaty bear a solemn responsibility to continue to play a leading role in the relevant forum towards the establishment of comprehensive and universal norms and standards, specifically prohibiting attacks, or threats of attack, against all peaceful nuclear facilities.